

**October 29, 2007**

## **Update for Rulemaking on Court-Ordered Testing for Communicable Diseases (9 A.A.C. Chapter 6, Articles 8, 9, 10, and 11)**

The Department has drafted rules regarding the testing for communicable diseases performed at the order of a court under A.R.S. §§ 8-341, 13-1210, 13-1415, or 32-3207. The Department is making these rules in 9 A.A.C. Chapter 6, Articles 8 through 11. Articles 10 and 11 also contain testing and notification requirements for HIV and STDs, respectively.

In August, individuals and professional groups with a possible interest in the rulemaking were informed that drafts of Articles 8 through 11 were posted on the Department's website and available for informal public comment. The Department received several positive comments about the draft rules and a few suggested changes.

Based on the comments received, the Department has revised the draft rules, which are posted on the Department's website.

In Articles 8 and 9, the changes include:

- Replacing the term "occupational health care provider" with "occupational health provider"; and
- Clarifying to which health care providers the notification rules pertain.

In Article 10, changes include:

- Using the term "health education"; and
- Making some organizational changes to Section R9-6-1004.

In Article 11, changes include:

- Differentiating between "sexually transmitted diseases," as defined in A.R.S. § 13-1415, and "STDs";
- Clarifying to which health care providers the rules requirements pertain;
- Specifying requirements for a health care provider who orders a test for an STD that indicates that a pregnant subject has syphilis;
- Revising the references to Sections in Article 3 that were re-numbered when diseases were added to Article 3; and
- Making some organizational changes to Section R9-6-1104.

Since many of the terms used in Articles 8 through 11 are also used in other Articles in the Chapter, these terms are defined in Article 1 (which contains definitions used throughout the Chapter) rather than in the separate Articles. Article 1 is also posted on the Department's website.

Stakeholders can communicate their comments, issues, and concerns about the revised draft rules **before November 9, 2007**, to Ruthann Smejkal, Rules Analyst for the Department, by e-mail at [smejkar@azdhs.gov](mailto:smejkar@azdhs.gov), by phone at 602-364-1230, or by fax at 602-364-1150.